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Ranchi, Monday, 23rd December, 2019

HOME, PRISON AND DISASTER MANAGEMENT DEPARTMENT

ORDER

17 December, 2019

No. 10/CBI-607/2019- 6710 -- Whereas altogether 9 Public Interest Litigation Petitions were moved to Hon'ble Patna High Court with the prayer to entrustment of these cases, popularly known as "Fodder Scam Cases of Bihar" to CBI. Hon'ble Patna High Court vide its order dated 11.03.1996 granted the relief prayed for and directed the Director, CBI to take up the investigation. Aggrieved by this order of Hon'ble Patna High Court the State Government of Bihar moved Civil Appeal No.5177 of 1996 and 5178-83 of 1996 in the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its order dated 19.03.1996 upheld the order of Hon'ble Patna High Court. As per the direction of Hon'ble Supreme Court, CBI took up the investigation of 41 cases already registered by the State Police. Subsequently 23 cases were registered on the basis of SIRs and complaints received later which is inclusive of 13 DA Cases registered against the public servants involved in scam cases in compliance with the direction of The Hon'ble Monitoring Bench of Patna High Court.

2. And whereas consequent upon bifurcation of the state in the year 2000, 53 out of 60 charge sheeted cases were transferred to the 07 (seven) Special Courts of Ranchi for trial under the orders passed by the Hon'ble Supreme Court of India in the year 2001 and remaining 07 cases remained under trial in the Special Court at Patna.

3. And whereas out of 53 Cases under trial at Ranchi, 51 Cases have since been disposed of from trial and all ended in conviction and trial of remaining 02 Cases are at advance stage in two special courts at Ranchi.

4. And whereas investigation of Fodder Scam Cases disclosed that accused Shyam Bihari Sinha was instrumental in fabrication of allotment letters for more than Rs.726 Crores to facilitate the alleged illegal withdrawals from different Districts Treasuries of erstwhile State of Bihar now Jharkhand during the period between 1981 and 1996.

5. And whereas details of cases wherein involvement of accused Shyam Bihari Sinha surfaced are as under:

Sl. No	FIR No.	Date of FIR	Date filing Charge sheet	Date of cognizance
1.	20(A)/96-Pat	27.03.1996	23.06.1997	23.07.1997
2.	21(A)/96-Pat	27.03.1996	24.12.1997	02.01.1998
3.	22(A)/96-Pat	27.03.1996	25.02.1999	27.02.1999
4.	25(A)/96-Pat	28.03.1996	11.08.1997	11.08.1997
5.	26(A)/96-Pat	28.03.1996	30.11.1996	02.01.1997
6.	27(A)/96-Pat	28.03.1996	10.04.1997	15.07.1997
7.	28(A)/96-Pat	28.03.1996	30.11.1996	09.12.1997
8.	29(A)/96-Pat	29.03.1996	10.04.1997	28.07.1997
9.	32(A)/96-Pat	29.03.1996	30.09.1997	18.12.1997
10.	33(A)/96-Pat	04.04.1996	26.03.1997	09.01.1998
11.	55(A)/96-Pat	17.04.1996	20.01.1998	23.01.1998
12.	56(A)/96-Pat	19.04.1996	25.01.1998	23.02.1998
13.	57(A)/96-Pat	19.04.1996	12.10.1999	12.10.1999
14.	58(A)/96-Pat	19.04.1996	05.09.1999	07.09.1999
15.	64(A)/96-Pat	15.05.1996	28.10.1997	02.07.1998
16.	77(A)/96-Pat	28.11.1996	29.03.1998	01.04.1998

6. And whereas in addition to the aforesaid, involvement of accused Shyam Bihari Sinha also surfaced in other 25 cases, however, charge sheet could not be filed on account of his death on 25.10.1999 and trial against him awaited.

7. And whereas investigation also disclosed involvement of Ravi Sinha, S/o accused Dr. Shyam Bihari Sinha as supplier having received illegal payments from Dumka Treasury and upon conclusion of trial the petitioner Ravi Sinha was convicted and sentenced for 05 years of RI and fine of Rs. 50,000/- in fodder scam case RC-39(A)/96-Pat on 12.06.2008 by the Ld. Special Judge-VII, Fodder Scam Cases, Ranchi.

8. And whereas accused Ravi Sinha is also facing trial for similar charges in another Fodder Scam Case RC-68(A)/96-Pat is at advance stage.

9. And whereas during investigation of the case cash, gold bonds and fixed deposits of some of the accused persons were discovered and seized .

10. And whereas the details of Gold Bonds at RBI, Kolkata belonging to the family members of accused Dr. S.B.Sinha discovered during investigation are as under:-

Sl. No.	Name	Wt. of Gold Rendered	Provisional receipt No. and date
1.	Alok Kumar Sinha	4885.000 Gms	RBCA-270 dated 11.07.94
2.	Ritu Sinha	3692.000 Gms	RBCA-333 dated 11.07.94
3.	Ritu Sinha	1400.000 Gms	RBCA-350 dated 11.07.94
4.	Alok Kumar Sinha	2217.000 Gms	RBCA-355 dated 11.07.94
5.	Avi Sinha	3033.500 Gms	RBCA-388 dated 02.01.96
6.	Pratik Shankar Dayal (Minor)	1050.000 Gms	RBCA-386 dated 02.01.96
7.	Pranay Shankar Dayal	3032.000 Gms	RBCA-408 dated 01.07.94
8.	Shushma Dayal	3214.000 Gms	RBCA-829 dated 11.07.94
9.	Sushma Dayal	1750.000 Gms	RBCA-869 dated 11.07.94
10.	Ranjana Sahay	3069.000 Gms	RBCA-1166 dated 11.07.96
11.	Navneet Sahai (Minor)	1068.500 Gms	RBCA-1293 dated 02.01.96
12.	Puja Sahay (Minor)	1049.500 Gms	RBCA-1352 dated 02.01.96
13.	Prakash Kr.Sahay	2086.00 Gms	RBCA-1531 dated 01.07.94
Total:-31546.5 Gms			

11. And whereas during investigation and or during trial of the case the amount of Rs.2.48 crores seized from accused Dr.SB Sinha has not been claimed by him or by any other persons so far.

12. And whereas upon conclusion of the trial of Fodder Scam Case RC-20(A)/96-Pat Ld. Special Judge-IV, Fodder Scam Cases Ranchi in the final order and judgement, inter-alia mentioned "**In this case huge seizure have been said to be made by the CBI from different accused persons. Some of the accused persons such as A-6 and others are not claiming over the cash said to be seized from their possession. Fixed deposit receipts in the name of A-3 and A-4 and others have been seized by CBI, these persons are not claiming over the amount. Gold Bonds from A-7 and others have been seized by the CBI and they are not claiming over the property. In the above such cases the CBI is directed to deposit the cash, maturity proceeds of the Fixed Deposits and the proceeds of the Gold Bonds in the State Treasury within 8 weeks of this order. Some of the accused persons are claiming over the gold bonds and cash etc., the CBI is directed to bring proceeding under Criminal Law Amendment Act for confiscation of such property".**

13. And whereas following orders aforesaid CBI lodged a petition to call upon the authorities of State Government of Jharkhand to nominate the officer to receive the payment of Rs.2.48 crores with interest accrued on cash deposit aforesaid and also the maturity proceeds of gold bonds as mentioned in the foregoing paragraph to appropriate the amount in the state exchequer of Jharkhand.

14. And whereas after adjudication on the petition aforesaid, Ld. Special Judge -IV, Fodder Scam Cases, Ranchi vide order dated 16.06.2017 asked CBI to file application under Section 3 of Criminal Law Amendment (Ordinance), 1944, so that opposite parties i.e. name lender family members would be issued notice to explain their claim on the properties sought to be appropriated in favour of the State Government of Jharkhand.

15. And whereas evidence brought on record confirming the commission of offences of criminal conspiracy, cheating, misappropriation and criminal misconduct, schedule offences under Criminal Law Amendments Ordinance, 1944 on the part of accused Shyam Bihari Sinha and accused Ravi Sinha have come to fore in view of several convictions and sentences.

16. And whereas the Govt. of Jharkhand having fully considered the material before it in regard to the allegations and circumstances of the cases believe that said persons have procured the properties detailed above by means of offences aforesaid.

17. Now, therefore, in exercise of powers conferred under Section 3 of Criminal Law Amendment Ordinance, 1944 (Ordinance 38 of 1944 the Govt. of Jharkhand hereby authorizes Shri Dasrath Murmoo, Dy. Superintendent of Police, Special Police Establishment, Economic Offences Branch of Central Bureau of Investigation, Ranchi to make an application before the Judicial Commissioner, Ranchi for attachment of properties detailed in the paragraphs above acquired by the accused persons in the names of his family members and relatives by commission of the aforesaid offences.

By the order of Governor of Jharkhand,

Sukhdev Singh,
Additional Chief Secretary.